



Brian A. Hill  
Member  
(202) 626-6014  
bhill@milchev.com

October 25, 2011

VIA EMAIL

Robert J. Tolchin, Esq.  
The Berkman Law Office, LLC  
111 Livingston Street – Suite 1928  
Brooklyn, NY 11201

Re: *Sokolow v. Palestine Liberation Org.*, No. 04-cv-397 (GBD-RLE)

Dear Bob:

I write concerning a misstatement of fact contained in Plaintiffs' Memorandum in Opposition to BBC's Motion to Quash Subpoena and in Support of Plaintiff's Motion to Compel which was filed as both DE 158 and DE 159 in the above-referenced case. In that Memorandum you make the following statement: "Importantly, defendants do not dispute, and indeed openly admit, that they fund Fatah. *See* Exhibit F at 18-19 ('There is a money flow from the PA to the PLO and from the PLO to Fatah . . . Fatah . . . ought to be funded by the PLO, and it is.')." DE 158/159 at 4.

Exhibit F is a copy of an Amended Joint Proposed Schedule which was filed in the *Saperstein* case on August 17, 2009. As you know, that document was filed before any discovery had been taken on the issue of whether the PLO provided funding to Fatah. And, as you also know, although counsel believed the statement you have quoted on page 4 of DE 158 and 159 to be true at the time it was made, subsequent testimony from the PLO's Rule 30(b)(6) designee revealed the assertion on which you now rely in this matter to be factually incorrect.

In particular, the PLO's Rule 30(b)(6) designee, Yaser Shaqba'u, repeatedly testified that the PLO had not provided any funding to Fatah between 1985 and the time of his deposition in May 2010. *See* Shaqba'u Deposition at 40:13-24; 79:17-24; 80:16-21; 92:18-93:17, 94:6-8. Indeed, you even asked Mr. Shaqba'u about the very statement made by counsel in the Amended Joint Proposed Schedule in the *Saperstein* case on which you now rely in your *Sokolow* brief, and he testified that it was not correct. *See id.* at 93:18-94:4.

I am enclosing above-cited pages from the transcript of the Shaqba'u deposition for your and BBC's counsel's review.



Robert J. Tolchin, Esq.  
October 25, 2011  
Page 2

Under the circumstances, we believe that you are required to correct the record by immediately informing the Court of the misstatement contained in your Memorandum. BBC's counsel is also, of course, free to inform the Court of the content of this letter in its Reply or Opposition Briefs should they choose to do so. If, however, you or BBC's counsel do not inform the Court that your Memorandum contains this misstatement of fact, we will be compelled to do so ourselves, notwithstanding your oft-asserted position that we lack standing in connection with the enforcement of subpoenas to third parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "B A Hill".

Brian A. Hill

cc: Louise Sommers, Esq.

Enclosures

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

\* \* \* \* \*  
MOSHE SAPERSTEIN, et al., Case No:

Plaintiffs 04-20225-CIV

vs.

THE PALESTINIAN AUTHORITY;  
THE PALESTINE LIBERATION  
ORGANIZATION,

Defendants

\* \* \* \* \*

-----  
VIDEOCONFERENCED RULE 30(b)(6) DEPOSITION OF:  
YASER MUHAMMED MUSSA SHAQBA'U  
JERUSALEM, ISRAEL  
MAY 25, 2010  
-----

Interpreted videoconferenced Rule 30(b)(6)  
deposition of YASER MUHAMMED MUSSA SHAQBA'U, taken in  
the above-entitled cause pending in the United States  
District Court, Southern District, Southern District of  
Florida, pursuant to notice, before BRENDA MATZOV, CA  
CSR No. 9243, Commissioner, and ISABELLE KLEBANOW, RPR,  
CT, No. 311, Stenographer, at the Hebrew University of  
Jerusalem, Mt. Scopus, Jerusalem, Israel, on Tuesday,  
the 25th day of May, 2010, at 10:28 a.m. Israel time.

REPORTED BY: ISABELLE KLEBANOW, RPR, CT NO. 311

Shaqba'u

Page 38	Page 40
<p>1 MR. TOLCHIN: Dick, if I ask the question 2 again, I'll try to ask it more precisely, and hopefully, 3 we can avoid the translation issue. Okay? 4 MR. HIBEY: Thank you. 5 Q. Sir, you testified, a few minutes ago, about a 6 legislative body within the PLO that I believe you 7 called the Palestine National Committee. 8 Do you recall that testimony? And I believe it's 9 National Council, not National Committee. 10 MR. HILL: Same objection. Beyond the 11 scope. 12 A. Yes. 13 Q. Okay. Now, that body, the PNC, is that funded by 14 the PNF? 15 MR. HILL: Same objection. Beyond the 16 scope. 17 A. Yes. Yes. The Palestinian National Fund 18 finances their meetings and their conferences. 19 However, it does not pay salaries of the 20 Palestinian National Council's members. 21 Q. Okay. And you also mentioned an Executive 22 Committee. Do you recall that testimony? 23 MR. HILL: Same objection. Beyond the 24 scope. 25 Q. Do you recall that testimony?</p>	<p>1 do. You're just obstructing. 2 MR. HILL: No, I'm not. 3 A. Before 1993. 4 Q. Oh, okay. 5 MR. HILL: Do you wish to correct the 6 statement you just made, Mr. Tolchin? 7 MR. TOLCHIN: No. Until he answered, you 8 had no idea. 9 MR. HILL: Well, you should listen to the 10 witness's answers and you'll know when you're beyond the 11 scope. 12 MR. TOLCHIN: Okay. 13 Q. Does the -- at any time you're aware of, did, or 14 does, the PNF provide funding to Fatah? 15 MR. HILL: Objection to the extent it 16 exceeds the time period of the Court's order. 17 Q. You can answer the question. 18 A. The PNF, to the extent of my knowledge as I have 19 reviewed its accounts since 1985, never gave finance. 20 THE INTERPRETER: Okay. I have to ask him 21 to repeat the last phrase. 22 A. Before the -- before the Palestinian National 23 Authority came, it never provided finance, and it never 24 provided finance to factions either. 25 Q. Okay. Sir, let's back up.</p>
Page 39	Page 41
<p>1 MR. HILL: Same objection. 2 A. I didn't hear you well. 3 Q. Okay. You also mentioned in your testimony an 4 Executive Committee of the PLO, correct? 5 A. Yes. 6 Q. Okay. And does the PNF provide funding for the 7 Executive Committee's functions? 8 MR. HILL: Same objection. 9 Q. You can answer. 10 A. During the period subject of my testimony, the 11 answer is no. It did not pay salaries for the Executive 12 Committee. 13 Q. Okay. 14 A. Before that period, yes, it paid. 15 Q. Before what period? 16 MR. HILL: Objection. Beyond the time 17 period. 18 MR. TOLCHIN: I asked before what period. 19 What are you objecting to, Brian? 20 MR. HILL: I'm objecting that it's beyond 21 the scope of the Notice. 22 MR. TOLCHIN: How do you know? I asked him 23 what period he's talking about. How do you know if it's 24 beyond the scope of the Notice? 25 You have no more idea what he meant than I</p>	<p>1 Before you came to testify today, what did you do 2 to prepare for your testimony? 3 A. In order to prepare for testimony, I reviewed the 4 accounts of the Palestinian National Fund during the 5 period indicated in the order. 6 And I made sure that there were no 7 transfers -- that there were no transfers from the 8 Palestinian National Fund to Fatah or to the other 9 24 people. 10 Q. The 24 -- 11 A. What? 12 Q. The other 24 what? 13 A. Yes. The 24 people. 14 MR. TOLCHIN: I'm being -- was the witness 15 ever placed under oath at the beginning of this 16 deposition? 17 THE INTERPRETER: Yes, he was. 18 MR. HILL: He was? 19 MR. TOLCHIN: The interpreter or both? 20 MR. HILL: Do you want to go off the record 21 and check the transcript? 22 MR. TOLCHIN: Let's double-check, just to be 23 sure. 24 MR. HILL: We're going off the record just 25 for a moment. Please stay in the room.</p>



Shaqba'u

Page 78	Page 80
<p>1 Q. I'm referring specifically to the period 2000 to 2 2002.</p> <p>3 A. Yes. We had properties at that time.</p> <p>4 MR. HIBEY: We had what?</p> <p>5 THE INTERPRETER: Properties. That is the 6 word used by the witness in Arabic, "amlak" - A M L A K. 7 It means properties.</p> <p>8 Q. What kind of properties?</p> <p>9 MR. HIBEY: I'm sorry. Is that the word? 10 Properties?</p> <p>11 THE INTERPRETER: Yes. The word properties 12 as said by the witness, the Arabic word "amlak" -- 13 A M L A K -- as opposed to assets, which is "asul."</p> <p>14 MR. HILL: Let me just put on the record an 15 objection that this is beyond the scope for which he has 16 been ordered to appear.</p> <p>17 Q. What kind of properties?</p> <p>18 MR. HILL: Same objection.</p> <p>19 Q. You can answer.</p> <p>20 A. The properties are buildings and lands. 21 Buildings relevant to embassies. The buildings of the 22 embassies.</p> <p>23 Q. Okay. So can you tell us a total of all the 24 funds paid out by the PNF to anyone in the period of 25 October 1, 2000 to February 2002? February 18, 2002?</p>	<p>1 Q. The PLO did not have any employee who was a 2 leader of Fatah.</p> <p>3 So, in October 1 of 2000, who was the head 4 of the PLO?</p> <p>5 A. Yaser Arafat.</p> <p>6 Q. And, at that same time, on October 1 of 2000, who 7 was the head of Fatah?</p> <p>8 A. Yaser Arafat also.</p> <p>9 Q. So do you wish to revise your answer that there 10 was no employee of the PLO who was also an employee of 11 Fatah?</p> <p>12 A. I understand. I understand.</p> <p>13 Yaser Arafat never received a salary from 14 his capacity as the leader of the PLO. What I meant by 15 employee is someone to whom I paid a salary.</p> <p>16 Q. During the period in question, were any transfers 17 made, in any form whatsoever, to any division or 18 department or branch, wing, of Fatah?</p> <p>19 A. No monies were paid to any factions because that 20 would have violated the Fund's laws, and we acted 21 according to the laws.</p> <p>22 Q. Which laws?</p> <p>23 A. The laws that govern the work of the National 24 Fund.</p> <p>25 Q. Whose laws are those?</p>
Page 79	Page 81
<p>1 A. I cannot now. I gave you the data relevant to 2 three full years.</p> <p>3 But I cannot now, as I do not have the 4 necessary data to give you information about the period 5 from October 1 to February 18, 2002.</p> <p>6 Q. So are you able to --</p> <p>7 A. But you could calculate percentages pertinent to 8 the months.</p> <p>9 Q. Are you able to -- if I were to change my 10 question and say can you tell me how much was paid out 11 by the PNF in calendar year 2000, calendar 2001, and 12 calendar 2002, would you be able to answer the question 13 that way?</p> <p>14 A. Yes. The monies that the Fund paid out are the 15 same monies that the Fund received from the Ministry of 16 Finance.</p> <p>17 Q. Okay. In the time period of October 1, 2000 to 18 February 18, 2002, did the PNF transfer any money, 19 through any mechanism whatsoever, to Fatah?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did the PNF transfer any funds, in any 22 form whatsoever, in any mechanism whatsoever, during 23 that period, to any officers or leaders of Fatah?</p> <p>24 A. No. And, at that time, during that period, the 25 PLO did not have any employee who was a leader of Fatah</p>	<p>1 MR. HILL: Wait.</p> <p>2 THE INTERPRETER: I didn't hear what he 3 said.</p> <p>4 MR. HILL: Ask him to repeat.</p> <p>5 A. These are the laws approved by the Palestinian 6 National Council.</p> <p>7 Q. Okay. During the time period in question, was 8 any -- did any money from the PNF get transferred to 9 Marwan Barghouti?</p> <p>10 A. To Marwan Barghouti no money was paid during that 11 period, nor before nor after, to Marwan Barghouti from 12 the Fund. Exactly Marwan.</p> <p>13 THE INTERPRETER: Exactly Marwan. In 14 English, exactly Marwan.</p> <p>15 Q. Were any transfers made, during that period, to 16 any office or account or organization controlled by 17 Mr. Barghouti?</p> <p>18 MR. HILL: Objection. Lack of foundation.</p> <p>19 Q. You can answer.</p> <p>20 A. Marwan was never, on any date, an ambassador for 21 the PLO, or an official. He was never in charge of any 22 offices or any embassies pertinent to the PLO at all.</p> <p>23 Q. Do you have any --</p> <p>24 A. And, therefore, he never received any salaries. 25 No monies were transferred to him.</p>

Shaqba'u

Page 90	Page 92
<p>1 Q. Do you consider your employment with the PLO to 2 be co-extensive with your employment with the PNF? 3 A. The Palestinian National Fund is a department of 4 the PLO. 5 Q. So, by virtue of being employed with one, you're 6 employed with the other? 7 A. The Palestinian National Fund is part of the PLO. 8 Q. Other than the funds administered by the 9 Palestine National Fund, does the PLO have any other 10 budget, to your knowledge? 11 MR. HILL: Objection. Beyond the scope for 12 which he's been ordered to appear. 13 Q. You can answer. 14 A. The administration of the monies pertinent to the 15 PLO is exclusively the function of the Palestinian 16 National Fund. 17 Q. Okay. So, other than the monies that the PNF 18 gives to the PLO, are you saying the PLO has no other 19 budget? 20 And I'm talking -- and I'm talking about the 21 time period of October 1, 2000 to February 2002. 22 MR. HILL: Same objection, plus vague and 23 confusing. 24 Q. But you can answer. 25 A. Always pertinent to the PLO are in the records of</p>	<p>1 which he's been ordered to appear. 2 A. Which were transferred to us from the Ministry of 3 Finance. 4 Q. Okay. That -- 5 A. Other than that, they did not have any revenues 6 except for the monies transferred by the Ministry of 7 Finance. 8 Q. Okay. 9 MR. TOLCHIN: Let's just take two minutes 10 off the record. We just received a fax. 11 (Short recess taken from 2:05 until 2:08.) 12 MR. TOLCHIN: Okay. Let's go back on the 13 record. 14 MR. HILL: Dick, we're ready to go back on 15 the record. Can you hear us? 16 MR. HIBEY: Thank you. 17 MR. HILL: We're going back on the record. 18 Q. Sir, is it accurate to describe the PNF as the 19 Treasury of the PLO? 20 A. It handles the monies pertinent to the PLO. 21 Q. But is it the Treasury of the PLO? 22 A. Yes. I agree. 23 Q. You agree? 24 A. Yes. 25 Q. Okay. And is it correct that, in the period of</p>
Page 91	Page 93
<p>1 the Palestinian National Fund, certainly. 2 Q. I'm sorry. Maybe it's how it came out in the 3 translation, but the question -- your answer made no 4 sense, at least to me. 5 MR. HILL: Can we get a translation? 6 THE INTERPRETER: I didn't hear what he 7 said. 8 A. You asked me about the National Authority, not 9 the PLO, correct? 10 Q. No. I'm asking -- I'm asking -- you told us that 11 the PNF transfers money to the PLO for certain expenses. 12 What I'm asking you is, other than the 13 expenses that the PNF funds, does the PLO have any other 14 budgets from other sources. 15 MR. HILL: Objection. Beyond the scope for 16 which he's been ordered to appear, and asked and 17 answered. 18 A. When you say budget, what do you mean? Do you 19 mean revenues? Financial revenues? 20 Q. Okay. To your knowledge, other than the -- okay. 21 I'm going to ask the question carefully. 22 During the period of October 1, 2000 to February 23 2002, did the PLO have any sources of revenue other than 24 the monies transferred by the PNF? 25 MR. HILL: Objection. Beyond the scope for</p>	<p>1 2000 -- October 2000 to February 2002, all monies 2 received and spent by the PLO came through the PNF? 3 A. Yes. 4 Q. Okay. Now, did the PLO -- during the period of 5 2000 to 2002 that we've been discussing, did the PLO 6 provide funding to Fatah? 7 MR. HIBEY: That's been asked and answered. 8 MR. TOLCHIN: No, it hasn't. It's been 9 asked about the PNF. Now we're talking about the PLO. 10 MR. HILL: Objection. Beyond the scope for 11 which he's been ordered to appear, and it has been 12 answered. 13 THE INTERPRETER: The answer was, Not at 14 all. 15 Q. Not at all? 16 THE INTERPRETER: Not at all? 17 A. Not at all. 18 Q. Okay. Do you know whether the lawyers 19 representing the PLO in this case told the Court in this 20 case that Fatah is one of the political entities within 21 the PLO and, as such, it ought to be funded by the PLO, 22 and it is? 23 A. If that was said, that was not by someone 24 specialized like myself. 25 Q. So you think whoever said that didn't know what</p>



Shaqba'u

Page 94	Page 96
<p>1 he was talking about?</p> <p>2 MR. HILL: Objection. Argumentative.</p> <p>3 A. Certainly. He wouldn't be working in the field</p> <p>4 of money and accounting, for sure.</p> <p>5 Q. I understand.</p> <p>6 Are you aware of any documentation</p> <p>7 reflecting payments by the PLO to Fatah?</p> <p>8 A. I have no knowledge whatsoever.</p> <p>9 Q. No knowledge?</p> <p>10 MR. TOLCHIN: Well, things just got very</p> <p>11 interesting, gentlemen.</p> <p>12 Q. Do you have any idea where the budget of Fatah</p> <p>13 comes from? And I'm referring to the years of 2000 to</p> <p>14 2002.</p> <p>15 MR. HILL: Objection. Lack of foundation.</p> <p>16 Beyond the scope for which he's been ordered to appear.</p> <p>17 Q. You can answer.</p> <p>18 A. I have never reviewed any Fatah account.</p> <p>19 Q. Okay. But do you know where they get their money</p> <p>20 from?</p> <p>21 MR. HILL: Same objections.</p> <p>22 A. Not at all.</p> <p>23 Q. No idea?</p> <p>24 A. No idea.</p> <p>25 Q. Okay.</p>	<p>1 done through Arab Bank's branch in New York? Arab Bank</p> <p>2 branch in New York.</p> <p>3 MR. HILL: Same objection.</p> <p>4 Q. You can answer.</p> <p>5 A. Our transfers in US dollars, most of the world's</p> <p>6 countries are done through our correspondent bank in New</p> <p>7 York.</p> <p>8 These are a matter of procedures done by the</p> <p>9 Arab Bank, not by us.</p> <p>10 Q. Okay.</p> <p>11 A. We only issue the payment order to the Arab Bank</p> <p>12 in Amman, and the bank handles the manner in which it</p> <p>13 transfers the money.</p> <p>14 Q. Did the -- withdrawn.</p> <p>15 Were the signatories on the Arab Bank</p> <p>16 account of the PNF the same during the 2000-to-2002</p> <p>17 period as today?</p> <p>18 MR. HILL: Objection. Beyond the scope for</p> <p>19 which he's been ordered to appear.</p> <p>20 Q. What was the answer?</p> <p>21 A. As individuals, some of them are still there.</p> <p>22 Some have died. Some have left.</p> <p>23 However, the right to sign -- or the</p> <p>24 privilege to sign -- is a matter of the job title or the</p> <p>25 position title, regardless of who the person is.</p>
Page 95	Page 97
<p>1 MR. TOLCHIN: Let's take a break for a</p> <p>2 minute. We may be done.</p> <p>3 (Short recess taken from 2:13 until 2:26.)</p> <p>4 MR. HILL: Let's go back on the record.</p> <p>5 Q. Okay. So where does the PNF keep its funds</p> <p>6 today?</p> <p>7 MR. HILL: Objection. Beyond the scope for</p> <p>8 which he's been ordered to appear.</p> <p>9 Q. You can answer.</p> <p>10 A. The Palestinian National Fund has been keeping</p> <p>11 its funds, since 1985 until today, at the Arab Bank in</p> <p>12 Amman.</p> <p>13 Q. Okay. And you testified that no money is kept in</p> <p>14 shekels?</p> <p>15 MR. HILL: Same objection.</p> <p>16 A. We work in US dollars because it's a universal</p> <p>17 currency which allows us to conduct transfers abroad.</p> <p>18 Q. And when you conduct transfers abroad, you do</p> <p>19 that through the Arab Bank?</p> <p>20 And I'm specifically referring to the period</p> <p>21 of 2001 -- 2000 to 2002.</p> <p>22 MR. HILL: Same objection.</p> <p>23 A. Yes.</p> <p>24 Q. And when you conduct -- during that time period,</p> <p>25 when you conducted transfers in US dollars, was that</p>	<p>1 Q. Okay. So, during the period of October 1, 2000</p> <p>2 to February 2002, who were the signatories on the PNF</p> <p>3 bank account?</p> <p>4 MR. HILL: Same objection.</p> <p>5 Q. You can answer.</p> <p>6 A. The first one was the Fund's general manager.</p> <p>7 Q. And who was that?</p> <p>8 A. Nizar Abu Ghazaleh. Along with him was another</p> <p>9 person that's the head of the Payments Department in the</p> <p>10 Fund. His name is Victor Dorghom -- D O R G H O M.</p> <p>11 Q. Anyone else?</p> <p>12 A. Or Victor Dorghom was the head of the Embassies</p> <p>13 Department. There was Salwa El Hout, who was the head</p> <p>14 of the Payments Department.</p> <p>15 Naeim Al Dabbah --</p> <p>16 THE INTERPRETER: Naeim -- N A E I M.</p> <p>17 Al Dabbah -- A L space D A B B A H.</p> <p>18 A. He was the head of the Personnel Affairs.</p> <p>19 And the signatures have to be done by two</p> <p>20 individuals together. Two of these signatories have to</p> <p>21 sign.</p> <p>22 Salwa El Hout and Naeim Al Dabbah are both</p> <p>23 dead now. The rest of them are still there.</p> <p>24 No, no. No, no. I am sorry. Victor</p> <p>25 Dorghom left.</p>